



W.P.(MD) No.10725 of 2023

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 28.04.2023

CORAM:

**THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN
and
THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI**

**W.P.(MD) No.10725 of 2023
and
W.M.P.(MD) Nos. 9442 & 9444 of 2023**

1.Malaiappan

2.Krishnammal

... Petitioners

-VS-

M/s.Aptus Housing Finance India Limited
rep.by its Authorised Officer
No.66/1B/1, 1st Floor
Datsun Car Showroom Upstairs
South By-Pass Road, Vannarpettai
Tirunelveli-627 003

... Respondent

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of certiorarified mandamus to call for the records pertaining to the impugned notice issued by the respondent dated 03.04.2023 and quash the same as illegal and consequently direct the respondent to consider the petitioner's request for one time settlement in respect of the loan account No.ATIRUN0029833.



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For Petitioners : Mr.K.Navaneetharaja

For Respondent : Mr.V.Sukumar

ORDER

[Order of the Court was made by R.SUBRAMANIAN, J.]

In view of the fact that the Debts Recovery Tribunal, Madurai, is not manned, we are entertaining this writ petition.

2. Mr.V.Sukumar, learned counsel, takes notice for the respondent – Bank.

3. With the consent of both sides, this writ petition is taken up for final hearing at the admission stage itself.

4. The sale notice, dated 03.04.2023, issued by the respondent – Bank, is under challenge in this writ petition.

5. The amount due as of today is Rs.4,68,013/- (Rupees four lakhs sixty eight thousand and thirteen only).



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6. Learned counsel for the petitioners would submit that the petitioners will be in a position to liquidate the entire debt, if sometime is granted to them.

7. Considering the facts and circumstances, we are of the opinion that the petitioners should be given sometime to liquidate the debt. Hence, the writ petition is disposed of with the following directions:

- (i) The respondent – Bank shall not proceed with the sale, if the petitioners pay a sum of Rs.1,68,013/- (Rupees one lakh sixty eight thousand and thirteen only) to the respondent – Bank, on or before 31.05.2023.
- (ii) The balance amount of Rs.3,00,000/- (Rupees three lakhs only) shall be paid by the petitioners in four equated monthly installments commencing from June, 2023. The monthly instalments shall be paid on or before 20th of every succeeding month.
- (iii) The interest payable for the interregnum period and the cost of the sale shall be paid along with the last installment.



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(iv) If there is a default in payment as directed above,
the respondent – Bank can proceed with the sale.

No costs. Consequently, connected miscellaneous petitions are closed.

[R.S.M., J.]

[L.V.G., J.]

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NCC : Yes / No

Index : Yes / No

Internet : Yes / No

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